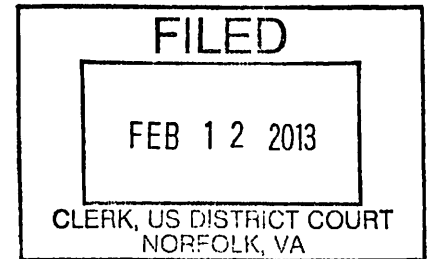


UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Norfolk Division



UNITED STATES OF AMERICA FOR THE  
USE AND BENEFIT OF PROBUILD COMPANY,  
LLC, et al.,

Plaintiffs,

v.

ACTION NO. 2:11cv451

EDMOND SCARBOROUGH,

Defendant.

ORDER

This matter comes before the court on the Motion for Entry of Judgment and Attorney's Fees Against Edmund Scarborough for Willful and Knowing Refusal to Obey Conditions of Negotiated Settlement (ECF #45), filed by the plaintiff, ProBuild Company, LLC, on December 10, 2012. The matter was referred to a United States Magistrate Judge by Order of December 28, 2012 (ECF #47), pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b), to conduct hearings, including evidentiary hearings, if necessary, and to submit to the undersigned proposed findings of fact, if applicable, and recommendations for the disposition of the motion.

The United States Magistrate Judge's Report and Recommendation (ECF #50) was filed on January 23, 2013. The magistrate judge recommended denying plaintiff's Motion for Entry of Judgment and

Attorney's Fees Against Edmund Scarborough for Willful and Knowing Refusal to Obey Conditions of Negotiated Settlement as moot.

By copy of the report and recommendation of the magistrate judge, the parties were advised of their right to file written objections thereto. The court has received no objections to the magistrate judge's report and recommendation, and the time for filing same has expired.

The court does hereby adopt and approve in full the findings and recommendations set forth in the Report and Recommendation of the United States Magistrate Judge filed January 23, 2013. Accordingly, the plaintiff's Motion for Entry of Judgment and Attorney's Fees Against Edmund Scarborough for Willful and Knowing Refusal to Obey Conditions of Negotiated Settlement is **DENIED as MOOT.**

The Clerk shall forward a copy of this Order to all parties of record.

It is so ORDERED.

/s/  
Rebecca Beach Smith  
Chief  
United States District Judge



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REBECCA BEACH SMITH  
CHIEF UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

February 12, 2013